

(54)  
6/28/02  
MMA

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BARBRA A. WILHELM,

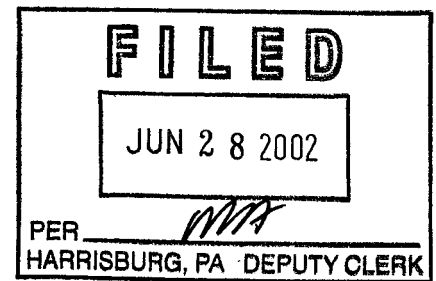
Plaintiff

v.

COMMONWEALTH OF  
PENNSYLVANIA; PENNSYLVANIA  
STATE POLICE; COLONEL PAUL  
J. EVANKO, COMMISSIONER;  
LIEUTENANT COLONEL THOMAS  
K. COURY; and CAPTAIN  
MICHAEL D. SIMMERS,

Defendants

CIVIL NO.1:CV-01-1057



ORDER

In accordance with the accompanying memorandum of law, **IT IS  
HEREBY ORDERED THAT:**

- (1) Plaintiff's motion for summary judgment is **DENIED**;
- (2) Defendants' motion for summary judgment is **GRANTED IN  
PART and DENIED IN PART**, as follows:
  - (A) As to Plaintiff's claim in Count V for retaliatory discharge,  
the motion is **DENIED**;
  - (B) As to Plaintiff's claims in Counts I, II, III, IV, VII, and  
Plaintiff's claim of discriminatory discharge in Count V, the motion is **GRANTED**;
- (3) Count VI is **DISMISSED** for lack of subject matter jurisdiction  
pursuant to Rule 12(h)(3);

(4) The Clerk of Court shall **STRIKE** the following parties from the case caption: Colonel Paul J. Evanko, Lieutenant Colonel Thomas K. Coury; and Captain Michael D. Simmers.

  
SYLVIA H. RAMBO  
United States District Judge

Dated: June 28, 2002.